

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
June 21, 2016, 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Marianne McCreary, Jean Ledford, Barb Figurski, Jerry Poissant, and Amy Ruthig, Zoning Administrator.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board introduced themselves.

**Approval of the Agenda:**

**Moved** by Figurski, seconded by McCreary, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:** The call to the public was made at 6:33 pm with no response.

- 1. 16-18...A request by Michael Berean, Parcel ID 4711-12-100-008, vacant parcel on Euler Road, for a use variance to allow for horses in a Rural Residential zoning district, a variance from the required natural features setback from an MDEQ-regulated wetland, and a height variance for a fence located in the front yard.**

Mr. Michael Berean was present. He stated that most of his property is wetlands, which leaves very little room for development. They would like to build a five-foot fence in order to keep their horse on their property, which has been boarded for several years. He noted that since there is a large wetland, the property could not be split into two-acre parcels, which is consistent with the currently Rural Residential zoning. He feels this is his hardship. They need to go into the required setback of the wetland in order to use as much of the upland as possible.

Chairman Dhaenens noted that the applicant and other property owners in the area have petitioned the Planning Commission for a rezoning to Country Estates; however, that may not be approved. The keeping of horses is not allowed in the Rural Residential zoning district.

The call to the public was made at 7:00 pm with no response.

Board Member Ledford suggested approving the variances contingent upon the rezoning of the property to Country Estates. Ms. Ruthig suggested that the Board not deny the use variance and have the applicant withdraw it because if it is denied, then the applicant would have to wait 12 months to reapply.

Mr. Berean requested to withdraw his request for the use variance to allow for horses in a Rural Residential zoning district.

**Moved** by Poissant, seconded by Ledford, to approve Case #16-18 by Michael Berean, Parcel ID 4711-12-100-008 for a fence height variance of two feet from the required five feet and a wetland setback variance of 15 feet from the required 25 feet due to the following findings of facts:

- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the applicant receiving approval for his request to rezone the property from Rural Residential to Country Estates. **The motion carried (Ledford – yes; Dhaenens – yes; Poissant – yes; Figurski – no; McCreary – no).**

**2. 16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.**

Mr. Stephen Gucciardo was present. He is requesting a 29-foot front yard setback variance to construct a garage and a second story on his home. He noted that one of the homes adjacent to his property is closer to the road than what he is proposing.

Board Member McCreary would like to see a staked survey to confirm that the property lines that are being proposed are correct.

Mr. Gucciardo requested to have his request tabled until he can obtain a staked survey.

The call to the public was made at 7:23 pm with no response.

**Moved** by McCreary, seconded by Poissant, to delay Case #16-19 for 4133 Highcrest at the petitioner's request until the next regularly-scheduled ZBA meeting of July 19, 2016. **The motion carried unanimously.**

**3. 16-20...A request by Jeff Jacobs, 4391 Skusa, for a rear yard setback variance to build an addition to an existing home.**

Mr. Jeff Jacobs was present. He would like to build an addition in order to move his mechanical equipment from his Michigan basement as well as add a bedroom. He feels the location of the existing home on the lot is his hardship. The home is fifty feet from the front yard property line and only 30 feet is required.

The call to the public was made at 7:30 pm with no response.

**Moved** by Ledford, seconded by Poissant, to approve Case #16-20 for 4391 Skusa from Jeff Jacobs of 4487 Filbert for a six-foot rear yard setback variance from the required 40 feet to 34

feet to construct an addition to an existing single-family home due to the following findings of fact:

- Strict compliance with the rear yard setback would prevent the applicant from constructing an addition in the rear of the existing single-family home.
- The exceptional or extraordinary condition of the property is the location of the existing home, small lot, with the well and sewer located in the front yard. The need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage must be maintained on the lot.

**The motion carried unanimously.**

**16-21...A request by Richard Ruggles, 806 Sunrise Park, for side and rear yard variances to build a detached garage.**

Mr. Ruggles stated he is requesting a 4.75-foot rear yard setback variance and a two-foot side yard setback variance. He noted the lot is extremely long and narrow. His request is consistent with other homes in the neighborhood.

Board Member McCreary is concerned with the narrow alleyway, the traffic, and the angle at which the applicant would be pulling out of the garage and driveway. Mr. Ruggles stated most of the traffic is on Sunrise Park. There are only four homes that are north of him who would be passing his house.

The call to the public was made at 7:43 pm. Chairman Dhaenens read a letter from Lyn Hewitt of 837 Sunrise Park Street who is in support of this request.

The call to the public was closed at 7:44 pm.

**Moved** by Ledford, seconded by Poissant, to approve Case #16-21 at 806 Sunrise Park by Richard Ruggles for a 4.75-foot rear yard setback variance from the required 10 feet to 5.25 feet and a two-foot side-yard setback variance from the required five feet to three feet to construct a 14 x 20 detached accessory structure due to the following findings of fact:

- Strict compliance with the rear and side yard setbacks would prevent the applicant from constructing a detached accessory structure.

- The exceptional or extraordinary condition of the property is the small size of the lot. The need for the variance is not self-created.
- The granting of these variances will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township.
- Granting the requested variances will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the structure must be maintained on the lot.
- The existing shed will be removed.

**The motion carried (Ledford – yes; Dhaenens – yes; Poissant – yes; Figurski – yes; McCreary – no).**

**Administrative Business:**

1. Approval of minutes for the May 17, 2016 Zoning Board of Appeals Meeting

It was noted that for Case #16-12 the motion should say "**26**-foot front yard variance from the required **35** feet to....."

**Moved** by Ledford, seconded by Figurski, to approve the May 17, 2016 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously.**

2. Correspondence - There was no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of June 6<sup>th</sup> and June 20, 2016.
4. Planning Commission Representative Report – Board Member Figurski was not present at the June 13, 2016 Planning Commission meeting. Ms. Ruthig gave the review.
5. Zoning Official Report

Ms. Ruthig distributed a revised staff report that she is going to begin using. There will be four items on next month's ZBA meeting agenda. She will not be at the July meeting so Ms. VanMarter will represent staff.

6. Member Discussion

Board Member McCreary suggested having a map noting what properties have received what variances so it can be referenced when new applications are submitted. Ms. Ruthig stated she can start doing this going forward.

7. Adjournment

**Moved** by Figurski, seconded by McCreary, to adjourn the meeting at 8:12 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary